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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

MEMORANDUM AND ORDER

Plaintiff,

CV 11-1100

-against-

WILLIAM A. ROCHE
a/k/a WILLIAM A. ROCHE, JR.,

Defendant.

(Wexler, J.) **FILED**
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y

★ SEP 27 2012 ★

LONG ISLAND OFFICE

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APPEARANCES:

MICHAEL T. SUCHER, ESQ.
Private Counsel for United State of America
26 Court Street, Suite 2412
Brooklyn, New York 11242

William A. Roche
Defendant pro se
792 Carman Avenue
Westbury, New York 11590

WEXLER, J.

This is a case commenced by the United States to collect on a student loan. Presently before the court is Plaintiff's motion for summary judgment. Defendant has answered the complaint, but has not opposed the motion.

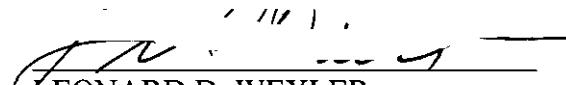
Plaintiff's moving papers establish the making of a loan to Defendant (the "Loan"), and his execution of a promissory note with respect thereto, pursuant to the Higher Education Act of 1965, 20 U.S.C. §1070-1080. The Loan was for a total principle amount of \$88,369.29. The terms of the Loan require repayment to begin shortly after the borrower ceases to carry a certain

amount of academic workload. Defendant defaulted on his obligation repay the Loan in 2003. Unpaid interest on the loan at the time of default was approximately \$16,000. Interest continues to accrue.

Where, as here, a plaintiff seeks to collect on a promissory note, entitlement to relief requires a showing of proof of the note and default in payment thereof. Plaintiff has submitted documents showing entitlement to relief. Defendant has been provided with the specific notice required by the rules of this court with respect to the making of motions for summary judgment against pro se litigants, but has failed to submitted any opposition.

The court has reviewed the documents in connection with this motion and concludes that there is no question of fact precluding the award of summary judgment. Accordingly, Plaintiff's motion for summary judgment is granted. The Clerk of the Court is directed to terminate the motion appearing at docket number 11. Plaintiff is directed to submit an updated proposed judgment for review and execution by the court.

SO ORDERED.



LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
September 27, 2012